

Morgan, Lewis & Bockius LLP
101 Park Avenue
New York, NY 10178-0060
Tel: 212.309.6000
Fax: 212.309.6001
www.morganlewis.com

Morgan Lewis
C O U N S E L O R S A T L A W

Thomas J. Puppa
212-309-2118
tpuppa@morganlewis.com

June 20, 2005

VIA FACSIMILE

John M. Berns, Esq.
Merchant & Gould
3200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402

Re: Glaxo Group Limited v. Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Limited, Civil Action No. 04-171-KAJ

Dear John:

I write in response to your letter dated June 14, 2005 and further to my e-mail dated June 15, 2005. There remain several outstanding discovery issues on which the parties appear to be at a standstill. These issues have been addressed in my recent letters to you dated June 6, and June 9, 2005 and were discussed by us over the telephone on June 3, 2005.

Of immediate concern is the lack of production of documents relating to the development (at Novopharm and Teva) of the generic formulation. In addition, there remain outstanding discovery items from our first teleconference with Judge Jordan including such items as lab notebooks, batch records, stability and other experimental data. At this point further depositions without the requested information would not be productive.

Another important issue concerns Teva's refusal to provide a statement concerning infringement of the "non-ethanol" claim limitations that would be admissible at trial. Such a statement would eliminate the need for discovery on all claim limitations to which infringement is admitted. To date Glaxo has been more than willing to accept a statement in almost any form providing it be binding on Teva and eliminate the need for Glaxo to prove infringement of those limitations at

Morgan Lewis
C O U N S E L O R S A T L A W

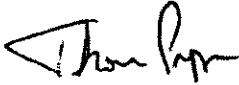
John M. Berns, Esq.
June 20, 2005
Page 2

trial. The lack of such a statement by Teva, either through a supplemental interrogatory response or in the form of an admission, is what is driving this dispute.

Glaxo also plans to inform the Court of its intent to use evidence from the Pharmadyne trial relating to the invention claimed in the patent in suit.

As my previous letters have indicated, Glaxo has been more than willing to resolve this without further Court intervention. But as time is fast disappearing from the Court ordered schedule, Glaxo believes it must now inform the Court of this continuing impasse.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Thomas J. Puppa". The signature is stylized with a large, sweeping initial "T" and a cursive "Puppa".

Thomas J. Puppa

** JOB STATUS REPORT **

AS OF JUN 20 2005 6:25 PM PAGE. 01

MORGAN LEWIS

JOB #797

	DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	STATUS
001	6/20	6:20P	61240035#16123329081#	EC--S	00' 22"	003	OK L1
002		6:21P	302 658 5614	EC--S	00' 18"	003	OK L1
003		6:24P	61240035#13025711253#	EC--S	00' 52"	003	OK L1

Morgan, Lewis & Bockius LLP
 101 Park Avenue
 New York, NY 10178-0060
 TEL: 212.309.6000
 FAX: 212.309.6273
 eFax: 877.432.9652
 www.morganlewis.com

Morgan Lewis
 COUNSELLORS AT LAW

SEND TO

Name:	John M. Berns, Esq.	Firm:	Merchant & Gould
FAX Number:	612-332-9081	Telephone Number:	612-371-5314
Name:	Josy W. Ingersoll, Esq.	Firm:	Young, Conaway, Stargatt & Taylor LLP
FAX Number:	302-571-1253	Telephone Number:	302-571-6672
Name:	Francis DiGiovanni, Esq.	Firm:	Connolly Bove Lodge & Hutz LLP
FAX Number:	302-658-5614	Telephone Number:	302-888-6316

FAX MESSAGE

THE INFORMATION CONTAINED IN THIS FAX MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE NAMED RECIPIENT(S). THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

FROM

Name:	Thomas J. Puppa	Date Sent:	June 20, 2005
Operator		Telephone	212-309-2118
Sending:		Number:	
FAX	212-309-6001	Floor:	43
Number:		Number of Pages:	3
			(including cover page)

COMMENTS

Morgan, Lewis & Bockius LLP
 101 Park Avenue
 New York, NY 10178-0060
 TEL: 212.309.6000
 FAX: 212.309.6273
 x: 877.432.9652
 www.morganlewis.com

Morgan Lewis
 C O U N S E L O R S A T L A W

SEND TO

Name:	John M. Berns, Esq.	Firm:	Merchant & Gould
FAX Number:	612-332-9081	Telephone Number:	612-371-5314
Name:	Josy W. Ingersoll, Esq.	Firm:	Young, Conaway, Stargatt & Taylor LLP
FAX Number:	302-571-1253	Telephone Number:	302-571-6672
Name:	Francis DiGiovanni, Esq.	Firm:	Connolly Bove Lodge & Hutz LLP
FAX Number:	302-658-5614	Telephone Number:	302-888-6316

FAX MESSAGE

THE INFORMATION CONTAINED IN THIS FAX MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE NAMED RECIPIENT(S). THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

FROM

Name:	Thomas J. Puppa	Date Sent:	June 20, 2005
Operator		Telephone	212-309-2118
ding:		Number:	
... x	212-309-6001	Floor: 43	Number of Pages: 3
Number:			(including cover page)

COMMENTS